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Attorney for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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CASE NO. 2:21-cr-00250-JCM-EJY

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOSE CAJETE,

Defendant.

**STIPULATION & ORDER TO
CONTINUE EVIDENTIARY
HEARING
(First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason Frierson, United States Attorney, and Joshua Brister, Assistant United States Attorney, counsel for the United States of America, and, Abel M. Yanez, Esq., counsel for Defendant, Jose Cajete, that the evidentiary hearing on Defendant's Motion to Suppress currently scheduled for December 2, 2022, at 9:30 a.m., be vacated and set to January 5, 2023, at a time convenient to the court.

This stipulation is entered into for the following reasons:

1. Defendant has no objection to the continuance
2. Defendant is in custody at the Nevada Southern Detention Center in Pahrump.
3. The parties are currently in settlement negotiations that may result in the case

being resolved.

4. The parties would like some additional time to discuss settlement negotiations before moving forward with the evidentiary hearing in the hope that resolving the case will avoid further expenditure of time and resources.

5. Before submitting this Stipulation and Order, the parties reached out to the Court and were informed that January 5, 2023, would be an available date to reschedule the hearing to, which is the request of the parties.

6. Denial of this request for continuance could result in the miscarriage of justice.

7. This is the first request to continue the evidentiary hearing.

8. This continuance is not sought for the purposes of delay.

9. For the above-stated reason, the ends of justice would best be served by a continuance of the evidentiary hearing date.

DATED this 30th day of November, 2022.

Respectfully submitted,

NOBLES & YANEZ LAW FIRM

UNITED STATES ATTORNEY

/s/ Abel M. Yanez
Abel M. Yanez, Esq.
Counsel for Defendant
Jose Cajete

/s/ Joshua Brister
Joshua Brister, Esq.
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

UNITED STATES OF AMERICA,

CASE NO. 2:21-cr-00250-JCM-EJY

Plaintiff,

ORDER

VS.

JOSE CAJETE,

Defendant.

FINDINGS OF FACT

This matter coming on the parties' Stipulation and Order to Continue Evidentiary Hearing, the Court having considered the premises therein, and good cause showing, the Court accepts the Stipulation of the parties and finds as follows:

1. Defendant has no objection to the continuance
2. Defendant is in custody at the Nevada Southern Detention Center in Pahrump.
3. The parties are currently in settlement negotiations that may result in the case

being resolved.

4. The parties need additional time to discuss settlement negotiations before moving forward with the evidentiary hearing in the hope that resolving the case will avoid further expenditure of time and resources.

5. Before submitting this Stipulation and Order, the parties reached out to the Court and were informed that January 5, 2023, would be an available date to reschedule the hearing to, which is the request of the parties.

- 1 6. Denial of this request for continuance could result in the miscarriage of justice.
- 2 7. This is the first request to continue the evidentiary hearing.
- 3 8. This continuance is not sought for the purposes of delay.
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6 **IT IS THEREFORE ORDERED** that the evidentiary hearing currently scheduled for
7 December 2, 2022, at the hour of 9:30 a.m., be vacated and continued to January 5, 2023
8 at the hour of 9:30 a.m., in Courtroom 3C.

9 DATED this 30th day of November, 2022.

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11 Eayra J. Zouchah
12 UNITED STATES MAGISTRATE JUDGE
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